



Arkansas Department of Community Correction

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ADMINISTRATIVE DIRECTIVE: 05-03 USE OF FORCE

TO: DEPARTMENT OF COMMUNITY CORRECTION (DCC) EMPLOYEES

FROM: G. DAVID GUNTARP, DIRECTOR

SUPERSEDES: AD 95-06

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APPROVED: _____ Signature on File _____ EFFECTIVE: February 22, 2005

- I. APPLICABILITY.** This directive applies to Department of Community Correction (DCC) employees.
- II. POLICY.** An employee shall use only the amount of force necessary, given the facts and circumstances perceived at the time of the event, to effectively bring an incident under control. In no event is physical force justifiable as punishment. A goal in every encounter is to minimize injury to everyone involved. However, nothing in this policy requires an employee to actually sustain injury before applying reasonable force. (3-3175)
- III. DEFINITIONS.**
 - A. Authorized Weapon.** A weapon approved by the DCC for official use as prescribed in policy.
 - B. Deadly Physical Force.** Physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
 - C. Law Enforcement Officer (LEO).** Parole/Probation Officer, Parole/Probation Manager/Assistant Manager, Parole/Probation Assistant Director, Deputy Director of Parole/Probation Services, and others as designated by the Director who have met, or are in the process of meeting, Arkansas law enforcement certification requirements of Specialized Police Personnel.
 - D. Non-deadly Physical Force.** Physical force that, under the circumstances in which it is used, is not intended and not reasonably likely to cause death or serious physical injury.

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- E. Physical Force.** Any bodily impact, restraint, or physical confinement, or the threat thereof.
- F. Regional Correction Center (RCC).** Community Corrections Centers (CCC) and Technical Violator Centers (TVC) operated by the Arkansas Department of Community Correction (DCC).
- G. Weapon.** An instrument of attack or defense including, but not limited to, firearms and chemical agents.

IV. GUIDELINES.

- A. Application of Force.** The amount and degree of force an employee may use is only that force which is reasonable and necessary based upon the circumstances. The force used must be the least amount of force required to bring the situation under control. The three elements necessary to justify use of force are as follows:
 - 1. **Ability.** This refers to the perceived ability of the aggressor to do harm. The greater the aggressor's ability, the greater the amount of force necessary to overcome this ability.
 - 2. **Opportunity.** This is the distance relationship between the aggressor and the defender. For opportunity to be present, the defender must be within usable range of the aggressor's ability. Opportunity expands as the aggressor's ability increases. The presence of weapons may extend the opportunity range.
 - 3. **Jeopardy.** This is the defender's perception of the aggressor's intent. When the defender reasonably believes that the aggressor, by word or action, intends to use his ability, the defender is in jeopardy.
- B. Resistance Control Continuum.** Application of force may vary in intensity and can range from verbal direction to firearms (when authorized). The “resistance control continuum,” taught in use of force classes, is to be used as a guide along with the “ability, opportunity, and jeopardy” concepts and judgement and discretion.
- C. Non-deadly Physical Force.**

Non-deadly or the threatened use of non-deadly force may be applied as follows:

- 1. when it is reasonably believed to be necessary to prevent escape from custody
- 2. in the defense of self or others from what is reasonably believed to be the use or imminent use of unlawful physical force by that other person
- 3. to prevent another person from committing suicide or self-inflicting serious physical injury

4. to the extent necessary to maintain order and discipline
 5. when it necessary to effect a lawful arrest
- D. Deadly Force.** Use of deadly force upon another is not justified if a person provokes the use of unlawful force by the other person with the purpose to cause physical injury or death to the other person. A LEO, Work Program Advisor, or Residential Supervisor is justified in using deadly physical force upon another person when and to the extent he/she reasonably believes
1. it is necessary to defend himself/herself or others from what is reasonably believed to be an immediate threat of death or serious physical injury,
 2. it is necessary to protect himself/herself from the use or threatened use of a chemical weapon when he/she reasonably believes that deadly force will be used against him/her if he/she becomes incapacitated by a chemical weapon
 3. it is necessary to prevent the escape of a dangerous, fleeing felon when it is reasonably believed that the felon will pose a significant threat of death or serious physical injury to the employee or others should escape occur, and if, where feasible, some warning of the intent to use deadly force has been given. Warning shots shall not be fired.
- E. Medical Care.** During and/or after the application of force, appropriate actions must be taken to save lives and provide for appropriate medical care.
- F. Training.** The Force Continuum used in training and any subsequent revisions require the prior approval of the Chief Deputy Director and the Director.

V. PROCEDURES.

- A. Draw, Display, or Use of Firearms.** Firearms may only be drawn, displayed, or used subject to the weapons policy, and the following:
1. to defend oneself or others from what is reasonably believed to be an immediate threat of death or serious bodily injury; or
 2. for maintenance, storage, or use on an authorized firing range.
 3. to prevent the escape of a dangerous, fleeing felon believed to pose a significant threat of death or serious injury to oneself or others should escape occur, and if, where feasible, some verbal warning of the intent to use deadly force has been given. Warning shots shall not be fired.

B. Draw, Display, or Use of Chemical Weapons. Chemical weapons may only be drawn, displayed, or used subject to the weapons policy and the following:

1. in the removal of a person from an automobile or other enclosed area when it is necessary to accomplish a legitimate DCC purpose,
2. when it is necessary to prevent the destruction of property,
3. when it is necessary to prevent further escalation of force, or
4. when it is necessary to achieve control of a person.

C. When Force is Used. When an employee uses force which results in injury, the employees shall

1. take reasonable and appropriate action to manage the situation
2. provide for the safety of the subject
3. promptly seek medical care, if needed (4-ACRS-2B-02)
4. monitor the injured person and provide for first aid when possible
5. protect evidence and manage the scene until assistance arrives
6. summon a supervisor to the scene if necessary
7. contact the Arkansas State Police (or local police authority, as appropriate) to respond if a violent crime has been committed or someone has been shot or seriously injured or the situation appears to warrant police involvement
8. as soon as possible, report the incident in accordance with the Administrative Directive on Reporting and Investigating Incident and Hazards.

VI. REFERENCES. Ark. Code Ann. §§ 5-2-601 through 5-2-621, and 16-93-103.